

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0830-12  
Bill No.: Truly Agreed To and Finally Passed CCS for SS for SCS for HCS for HB 353  
Subject: Criminal Procedure; Probation and Parole  
Type: Original  
Date: June 1, 2005

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
General Revenue	(More than \$116,964) to Unknown	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$116,964) to Unknown</b>	<b>(More than \$100,000) to Unknown</b>	<b>(More than \$100,000) to Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 19 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
State School Moneys*	\$0	\$0	\$0
Missouri Office of Prosecution Services**	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds* **</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Offsetting savings and losses to State School Moneys Fund.

\*\* Offsetting revenues and costs of more than \$700,000 per fiscal year in the Missouri Office of Prosecution Services Fund.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government***</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*\*\* Local School Districts would have offsetting income from increase fines and losses from reduced distribution from State School Moneys Fund. Offsetting revenues and costs of more than \$100,000 to county Prosecuting Attorneys.

---

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Agriculture, Office of the Governor, Coordinating Board for Higher Education, Office of Administration, Department of Economic Development, Department of Transportation, Department of Mental Health, Department of Natural Resources, Department of Health and Senior Services, Department of Labor and Industrial Relations, Department of Social Services, Department of Public Safety – Capitol Police, – Missouri State Water Patrol, Department of Conservation, Missouri House of Representatives, State Treasurer’s Office, and the Boone County Sheriff’s Department** assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (SS for SCS for HCS for HB 353, LR # 0830-08), officials from **Parkway Public Schools** assumed the proposal would have no fiscal impact on their agency.

In response to a previous version of the proposal (SCS for HCS for HB 353, LR # 0830-07), officials from the **Kansas City Police Department** and **Southwest Missouri State University** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would modify numerous laws relating to crimes and criminal procedure and create a significant number of new crimes. Depending on the degree of enforcement, CTS assumes there will be an increase in the workload of the courts. Any significant increase will be reflected in future budget requests.

Officials from the **Office of the Attorney General (AGO)** anticipate some additional appeals arising out of the changes to the criminal statutes contained in the bill. However, AGO does not currently anticipate the number of appeals will be significant. If a significant number of appeals arise, the AGO will seek additional appropriations.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Officials from the **Department of Corrections (DOC)** assume the proposal creates and enhances many crimes at various levels. The cumulative effect is expected to have a significant but unknown fiscal impact on the DOC.

The DOC cannot currently predict the number of new commitments which may result from the creation/enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and, therefore, the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

ASSUMPTION (continued)

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be in excess of \$100,000 per year.

Officials from the **Office of the Secretary of State (SOS)** assume the proposal would give the Department of Public Safety, Department of Health and Senior Services, Department of Agriculture, and the Office of the Attorney General the authority to adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 64 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$3,936 in FY 06 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

State Legal Expense Fund. (\$105.711)

Officials from the **Office of the Attorney General (AGO)** assume they will need an additional 2 FTE Assistant Attorneys General II to handle claims made against health professionals that provide medical care on a part-time contract basis to county jails. The AGO expects because these professionals are now covered under the Legal Expense Fund, there will be a greater incentive for them to work with counties in providing these services. As a result, it is likely additional claims will be filed against the Legal Expense Fund. AGO estimates the cost of the proposal to be \$124,352 in FY 06, \$134,265 in FY 07, and \$137,742 in FY 08.

**Oversight** assumes the AGO could experience an increase in case load due to the proposed legislation. Oversight assumes the AGO could absorb the cost of the increased case load within existing resources. If the AGO experiences an increase that would justify additional FTE, the AGO could request funding through the appropriation process.

ASSUMPTION (continued)

Voter Registration (§§115.135, 115.155, 115.160, 115.631)

Officials from the **Office of the Secretary of State (SOS)** assume the legislation would require new voters to present a copy of a birth certificate or other proof of United States citizenship at time of registration. It also proposes to change the Missouri “Application for Registration” by adding the above information to a line of the form. This change of the form would have a potential cost of \$16,963.80 for the first 500,000 cards printed.

Removes Requirement that Judge in a DWI Case be an Attorney (§§302.321, 302.541, 577.023, 577.500)

Officials from the **Department of Revenue (DOR)** assume they will be required to modify existing automated program edits in order to no longer edit to determine if the judge hearing certain cases is an attorney. These programming modifications will be accomplished with existing resources within the DOR.

24 hour hold without being charged with an offense and held by warrant (§544.170)

In response to similar proposals from the current session (SB 520, LR # 1751-01 and HB 140, LR # 0667-01), officials from the **Office of the State Public Defender (SPD)** assumed existing staff could provide representation for those few cases arising where indigent persons were charged from a proposed law requiring that a person arrested and confined without a warrant be discharged from custody within 24 hours unless charged. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

In response to a similar proposal from the current session (SB 520, LR # 1751-01), officials from the **Jefferson City Police Department** assumed a savings would result due to personnel scheduling flexibility provided by an extension of the timeframe within which the probable cause warrant application is prepared.

ASSUMPTION (continued)

Crimes of Stealing, Tampering, and Receiving Stolen Property (§§559.105, 569.080, 569.090, 570.040, 570.080)

In response to a similar proposal from the current session (HB 498, LR # 0788-02), officials from the **Office of State Public Defender (SPD)** assumed existing staff could provide representation for those few cases arising from the revision of various laws relating to stealing, receiving stolen property, and tampering and the requirement of specific type of restitution in certain types of cases, where indigent persons were charged. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Passing Bad Checks (§570.120)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal would increase the penalty for writing a bad check, and increase the costs assessed by the prosecutor. Since all moneys are paid to the prosecutors, CTS would not anticipate a fiscal impact on the judiciary.

In response to a similar proposal from the current session (SB 425, LR # 1739-01), officials from the **Office of Prosecution Services** deferred to the Greene County Prosecutor to estimate the fiscal impact for prosecutors.

In response to a similar proposal from the current session (SB 425, LR # 1739-01), officials from the **Greene County Prosecutor's Office** assumed they would potentially see an increase of \$113,034 in 2006 over the \$134,371 they earned in fees in 2004, making the fees received in 2006 total \$247,405. Officials assume the actual increase would be less than this maximum, as they anticipate bad checks submitted to prosecuting attorney offices to decline in the next few years due to the new federal banking rules and the advent of electronic devices which allow businesses to automatically transfer money. The increase will vary by county.

On behalf of the Office of Prosecution Services, the Greene County Prosecutor estimates a total of \$875,000 yearly, or an increase of \$700,000. This assumes collections will stay at their current rate.

ASSUMPTION (continued)

**Oversight** assumes the additional administrative handling costs collected by prosecutors statewide would exceed \$100,000 per year. In addition, Oversight assumes the costs collected by prosecutors for deposit into the Missouri Office of Prosecution Services Fund would exceed \$700,000 per year.

Theft of Cable Television Service (§570.300)

In response to a similar proposal from the current session (SB 23, LR # 0053-01), officials from the **Office of State Public Defender (SPD)** assumed existing staff could provide representation for those few cases arising where indigent persons were charged with the criminal use of property by operating audiovisual recording devices while in a movie. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Exonerated by DNA Testing (§650.055)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the impact for the proposed legislation is unknown. Currently, the DNA Profiling fund is only generating \$80,000 to \$100,000 per month of the anticipated \$150,000 per month that it was originally thought it would collect. Because of this circumstance and the cost to run the DNA Profiling program, there would not be a ‘remaining’ balance in the DNA Profiling fund to pay the cost of restitution. It is not expected that there would be any type of lapse in the fund on a yearly basis because it would take all of the money being collected to run the DNA Profiling program. There is no way to know, in the years a balance could possibly exist, how much would be available to pay restitution. There is also no way to determine how many people would be affected in the future.

**Oversight** assumes the proposal does not create any new revenues or costs to the DNA Profiling Analysis Fund. The proposal caps the amount of restitution that a person can receive each year after being exonerated by DNA testing to \$36,500 until he or she receives the full amount he or she is owed. Therefore, Oversight assumes there will be no impact to the DNA Profiling Analysis Fund.



<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<b>GENERAL REVENUE FUND</b>			
<u>Savings</u> – Reduced appropriations to State School Moneys Fund	Unknown	Unknown	Unknown
<u>Costs</u> – Office of the Secretary of State (§§115.135, 115.155, 115.160, 115.631) Voter Registration Forms	(\$16,964)	\$0	\$0
<u>Costs</u> – Department of Corrections Incarceration/probation costs	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<u>(More than \$116,964) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>
<b>STATE SCHOOL MONEYS FUND</b>			
<u>Savings</u> – Reduced distributions to local school districts	Unknown	Unknown	Unknown
<u>Losses</u> – Reduced appropriations from General Revenue Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND</b>	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

**FISCAL IMPACT - State Government**  
(continued)

FY 2006  
(10 Mo.)

FY 2007

FY 2008

**MISSOURI OFFICE OF  
PROSECUTION SERVICES FUND**

**Revenues – Office of Prosecution  
Services**

From fees collected

More than  
\$583,333

More than  
\$700,000

More than  
\$700,000

**Costs – Office of Prosecution Services**

Assisting county prosecuting attorneys

(More than  
\$583,333)

(More than  
\$700,000)

(More than  
\$700,000)

**ESTIMATED NET EFFECT ON  
MISSOURI OFFICE OF  
PROSECUTION SERVICES FUND**

\$0

\$0

\$0

FISCAL IMPACT - Local GovernmentFY 2006  
(10 Mo.)

FY 2007

FY 2008

**POLITICAL SUBDIVISIONS**Revenues – School Districts

Incomes from fines

Unknown

Unknown

Unknown

Revenues – County prosecuting attorneys

Administrative handling costs

More than  
\$100,000More than  
\$100,000More than  
\$100,000Losses – School Districts

Reduced distribution from State

School Moneys Fund

(Unknown)

(Unknown)

(Unknown)

Costs – County prosecuting attorneys(More than  
\$100,000)(More than  
\$100,000)(More than  
\$100,000)**ESTIMATED NET EFFECT ON  
POLITICAL SUBDIVISIONS\*\*\*****\$0****\$0****\$0**

\*\*\* Local School Districts would have offsetting income from increase fines and losses from reduced distribution from State School Moneys Fund. Offsetting revenues and costs of more than \$100,000 to county Prosecuting Attorneys.

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would make numerous changes in the statutes relating to crimes and criminal procedure including:

Remove a provision requiring defendants to be sentenced according to the law in place at the time of the sentencing, rather than the law as it existed at the time of the crime, whenever the change in law reduced the penalty for the offense. (§1.160)

DESCRIPTION (continued)

Authorize the Missouri Capitol Police to arrest a person anywhere in Cole County, when there is probable cause to believe the person committed a crime within capitol police jurisdiction or when a person commits a crime in the presence of an on-duty capitol police officer. (§8.177)

Defines the term “MULES” – the Missouri Uniform Law Enforcement System. (§43.010)

The Superintendent of the Highway Patrol is responsible for establishing policies and procedures, in cooperation with law enforcement, to protect the integrity of the MULES system. (§43.120)

Creates the Governor’s Security Division within the Highway Patrol. The division will provide transportation, security, and protection for the Governor, the Governor’s immediate family, and other public officials. (§§43.300 to 43.330)

Requires the Department of Public Safety to establish rules and regulations to implement Sections 43.500 to 43.543, which includes provisions relating to criminal history. (§43.509)

Law enforcement agencies may perform a criminal history review for only open records through the MULES system for the purpose of hiring municipal or county employees. The requesting entity must pay a fee to the central repository. The requesting entity would not be the law enforcement agency unless the request is made by the law enforcement agency for purposes of hiring law enforcement personnel. Cities and counties would be allowed to enact ordinances requiring fingerprints of job applicants or licensees in certain occupations for the purpose of conducting a criminal record review. (§43.535)

Expand the list of those entities required to send fingerprints of job applicants to MULES. (§43.543)

Adds certain health care providers under formal contract to provide services to patients or inmates at a county jail on a part-time basis to coverage from the State Legal Expense Fund. (§105.711)

Allows different forms of identification for the purpose of registering to vote. Individuals making false statements under §115.155 would be guilty of a class C felony. (§§115.135, 115.155, 115.160, 115.631)

Prohibits a person from qualifying as a candidate for any public elective office in the State of Missouri who has been convicted of, or pled guilty to, any felony or misdemeanor under the laws of the United States. (§115.348)

BLG:LR:OD (12/02)

DESCRIPTION (continued)

Add additional drugs to the list of controlled substances. (§195.017)

Gives the juvenile court concurrent jurisdiction with the circuit court in cases involving children younger than 17 years of age who violate state or municipal ordinances prohibiting the possession or use of tobacco products. (§211.031)

Removes the Corrections Officer Certification Commission's authority over jailers. (§217.105)

In the event a parolee is transferred to another probation and parole officer, the written record of the former officer shall be given to the new officer. (§217.705)

Requires lifetime supervision by the Board of Probation and Parole for any person convicted of certain sex offenses when the victim is younger than 14 years of age and the offender is sentenced as a prior sex offender. These offenders must be electronically monitored using a global positioning system. (§§217.735 & 559.106)

Add failure to register as a sex offender to those supervised by Probation and Parole. (§217.750)

Removes the requirement that the judge be an attorney in certain traffic cases. (§§302.321 & 302.541)

Failure to yield to an emergency vehicle would be a class B misdemeanor (is currently a class C misdemeanor). (§304.022)

Add urine tests to the chemical tests for BACs involving vessel operation. (§§306.112, 306.114, 306.116, 306.117, 306.119)

Increases from \$200 to \$500 the damage amount that requires the filing of an accident report when there is damage to a watercraft. (§306.140)

Prohibits the use of any device that, when activated, allows a watercraft's muffler to exceed the maximum decibel levels allowed by law. (§306.147)

Currently, any pawnbroker licensed after August 28, 2002 must meet certain requirements. This proposed legislation applies to any pawnbroker licensed under Section 367.043. (§367.031)

DESCRIPTION (continued)

Prohibits employers, after January 1, 2006, from requiring a person to use his or her Social Security number as an employee number for any type of employment-related activity. This section contains an emergency clause. (§407.1355)

Modifies the procedures for the appointment of a judge to fill a temporary vacancy in a municipal court. (§479.230)

Requires that a search warrant must command that the described item be seized, photographed, or copied within 10 days and that such items may be filed with the issuing court, instead of the circuit clerk. (§542.276)

Allows law enforcement agencies to hold a suspect arrested without a warrant for up to 24 hours before charging the person with a crime. Currently, suspects can be held for 24 hours when arrested for a class A felony and 20 hours for lesser offenses. (§544.170)

The sheriff granting a change of venue and the sheriff of the county into which the cause is removed, may agree as to which county's jail will house the defendant. If they don't agree, the defendant will be housed in the county into which the cause is removed. (§545.550)

Sets the statute of limitation for arson at five years. (§556.036)

Removes the provision allowing first-time offenders convicted of a nonviolent class C or D felony to petition the court for early release after serving at least 120 days. (§558.016)

Removes a provision allowing the board to convert an offender's consecutive prison sentences into concurrent sentences. (§558.019)

Allow the court to extend probation for certain probation violators by one year. (§§559.016, 559.036)

Allows the court to order restitution be paid to the victim of tampering or auto theft, including the victim's insurance deductible payment, towing and storage fees, and any reasonable expenses incurred by the victim in prosecuting the offense. Prohibits the court or the Board or Probation and Parole from releasing a person early from probation and parole if the person has failed to pay restitution. (§559.105)

Prohibits probation from being granted to offenders convicted of child molestation in the first degree when it is classified as a class A felony. (§559.115)

DESCRIPTION (continued)

Authorizes municipal courts to contract with a public entity or employ a person to serve as the city's probation officer. Currently, such courts may only contract with a private entity to provide probation services. Persons found guilty of municipal ordinances and placed on probation will be required to pay a service fee to the court to pay for the probation services. Currently, only cities which do not have probation services for persons convicted of ordinance violations may contract with private entities to provide probation services. This act authorizes any city to contract with a private or public entity or employ a probation officer to provide probation services. Any city that does not have probation services or that contracts out those services with a private entity, may continue to contract with such entity or employ any qualified person and contract with the municipal division. (§559.607)

Currently, Sections 565.081, 565.082, 565.083, RSMo, criminalize assault of a law enforcement officer or emergency personnel in the first, second, and third degree respectively. This act adds probation and parole officers to these sections. (§§565.081, 565.082, & 565.083)

Clarifies the crime of sexual misconduct involving a child. The crime is committed when a person exposes his or her genitals to a child younger than 14 years of age under circumstances in which the person knows the conduct is likely to cause affront or alarm to the child. This section contains an emergency clause. (§566.083)

Creates the crime of sexual contact with a student which is a class D felony. The crime is committed when a teacher has sexual contact with a student on school property. (§566.086)

Changes the laws regarding human trafficking and establishes requirements for international marriage brokers. Intentionally providing false or incomplete information required by these provisions is a class D felony. (§§566.200, 566.221, & 566.223)

Expand the crimes of endangering the welfare of a child. (§§568.045, 568.050)

Adds starting a fire while producing methamphetamine to arson I. (§569.040)

Makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case. The act also makes tampering in the second degree a class C felony when the person has a prior conviction for tampering in the first or second degree, auto theft, or receiving stolen property. (§§569.080, 569.090)

Increases the penalties on stealing related offenses. (§570.030)

DESCRIPTION (continued)

Makes auto theft a class B felony if a person has two prior convictions for stealing-related offenses. The person only has to have received a sentence of 10 days, rather than actually serving the sentence. (§570.040)

Includes obtaining control over stolen property knowing the property to have been stolen or under circumstances as would reasonably induce a person to believe the property was stolen as evidence for the crime of receiving stolen property. (§570.080)

Expands the crime of passing a bad check by including any other form of presentment involving the transmission of account information. The minimum charge for the administrative handling costs assessed by the prosecuting attorney for processing bad check claims is increased from \$5 to \$25 and the maximum charge from \$50 to \$75. The bill allows the prosecuting attorney to spend these fees on any lawful expense of the office. (§570.120)

Changes the property value thresholds for various crime levels for the crime of financial exploitation of an elderly or disabled person. (§570.145)

Change the value thresholds for various crime levels for the crime of identity theft. This section of the act has an emergency clause. (§570.223)

Modifies the crime of illegal copying and distribution of sound recordings by lowering the threshold for a felony from 1,000 illegal copies to 100 illegal copies. (§570.255)

Expands the crime of theft of cable service to include when a person knowingly attempts to tamper with any cable television equipment which results in the disruption or unauthorized use of a cable television system. (§570.300)

Adds detention or stop to crime of resisting or interfering with an arrest. (§575.150)

Creates the crime of tempering with electronic monitoring equipment, a class C felony. (§575.205)

Creates the crime of violating a condition of lifetime supervision, a class C felony. (§575.206)

Removes the language stating that a person commits the crime of tampering with a witness “in an official proceeding.” (§575.270)



DESCRIPTION (continued)

A person commits the crime of misuse of information if he or she knowingly obtains or recklessly discloses information from MULES or NCIC for private or personal use. (§576.050)

Removes the requirement that the judge be an attorney in certain traffic cases. (§§577.023 & 577.500)

Allows evidence of refusal of arrest to be evidence in a proceeding about assault of a law enforcement officer. (§577.041)

Creates the crimes of possession and distribution of prescription medication on school property without a valid prescription. A person who is under 18 and violates this section is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for a second or subsequent offense. (§577.625)

A person under 18 could not possess prescription medication without a valid prescription at a school or on a school bus would be a class C misdemeanor for the first offense and a class B misdemeanor for a second or subsequent offense. (§577.628)

Makes it a class A misdemeanor to operate a video camera within a motion picture theater without the consent of the theater owner. A second or subsequent offense is a class D felony. The owner of the movie theater is exempt from civil liability for detaining a person suspected of the offense, as long as the detention is reasonable. (§578.500)

Requires first classification counties to grant a reserve peace officer license to anyone who has completed 160 hours of training and who was commissioned as a reserve peace officer prior to August 28, 2001. (§ 590.040)

Provide for victim notification of any decision by a circuit court presiding over release under Section 217.362, RSMo. Notification would be made using the statewide automated crime victim notification system. If the system cannot be used, notification would be sent by certified mail to the victim's most current address on record. (§595.209)

A victim of a sexual offense would have the right to testify at the parole hearing. This section of the act has an emergency clause. (§595.210)

Allows the Director of the Department of Public Safety to establish a state firearms training and qualification standard for retired law enforcement officers to comply with the federal Law Enforcement Officers Safety Act. (§650.030)

### DESCRIPTION (continued)

Caps the amount of restitution that a person can receive each year after being exonerated by DNA testing to \$36,500 until he or she receives the full amount he or she is owed. (§650.055)

This act contains an emergency clause for Sections 407.1355, 566.083, 570.223, and 595.210, RSMo.

The act contains a severability clause for Sections 67.2540 to 67.2556 and Section 567.080.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Agriculture  
Office of the Attorney General  
Office of the Governor  
Coordinating Board for Higher Education  
Office of Administration  
Office of State Courts Administrator  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Transportation  
Department of Mental Health  
Department of Natural Resources  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Social Services  
Department of Public Safety  
    – Missouri State Water Patrol  
    – Missouri State Highway Patrol  
    – Capitol Police  
Missouri House of Representatives  
Department of Conservation  
Office of Prosecution Services  
Office of the Secretary of State

L.R. No. 0830-12

Bill No. Truly Agreed To and Finally Passed CCS for SS for SCS for HCS for HB 353

Page 19 of 19

June 1, 2005

SOURCES OF INFORMATION (continued)

Office of the State Public Defender  
State Treasurer's Office  
Boone County Sheriff's Department  
Kansas City Police Department  
Jefferson City Police Department  
Greene County Prosecutor  
Parkway Public Schools  
Southwest Missouri State University

A handwritten signature in black ink that reads "Mickey Wilson". The signature is fluid and cursive, with the first name "Mickey" and last name "Wilson" clearly distinguishable.

Mickey Wilson, CPA  
Director  
June 1, 2005